

# HOUSE BILL No. 1457

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 15-16-10; IC 15-16-11.

**Synopsis:** Invasive species. Establishes the invasive species council (council) within the Purdue University College of Agriculture. Establishes the invasive species council fund. Requires the council to establish a cooperative weed management program to protect the diversity of natural areas in Indiana to: (1) promote the creation of cooperative weed management areas; and (2) create partnerships that create opportunities for contiguous landowners to work together in the management of invasive plants that threaten natural lands and native biological diversity. Establishes a project workgroup to recommend cooperative weed management plans to the council. Establishes the cooperative weed management fund. Staggers the initial terms of the appointed council members.

**Effective:** July 1, 2009.

**Kersey**

January 13, 2009, read first time and referred to Committee on Natural Resources.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1457

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A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 15-16-10 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2009]:  
4       **Chapter 10. Invasive Species Council**  
5       **Sec. 1. As used in this chapter, "council" refers to the invasive**  
6       **species council established by section 3 of this chapter.**  
7       **Sec. 2. As used in this chapter, "fund" refers to the invasive**  
8       **species council fund established by section 12 of this chapter.**  
9       **Sec. 3. The invasive species council is established within the**  
10      **Purdue University College of Agriculture.**  
11      **Sec. 4. (a) The council has the following duties:**  
12      **(1) Recommend:**  
13      **(A) priorities for projects;**  
14      **(B) funding; and**  
15      **(C) rules and laws;**  
16      **concerning invasive species to the appropriate governmental**  
17      **agencies and legislative committees.**



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**(2) Recommend a lead state agency to:**

**(A) develop an invasive species inventory for each invasive species taxon; and**

**(B) develop and maintain a data management system for invasive species in Indiana.**

**(3) Communicate with other states, federal agencies, and state and regional organizations to enhance consistency and effectiveness in:**

**(A) preventing the spread of;**

**(B) early detection of;**

**(C) response to; and**

**(D) management of;**

**invasive species.**

**(4) Coordinate invasive species education and outreach programs.**

**(5) Convene or support an invasive species meeting at least once per biennium to provide information on best practices and pertinent research findings.**

**(6) Assist governmental agencies in:**

**(A) reviewing current invasive species policies and procedures; and**

**(B) addressing any deficiencies or inconsistencies concerning invasive species policies and procedures.**

**(7) Assist state agencies in reviewing the agencies' performance measures for accountability concerning the agencies' invasive species actions.**

**(8) Receive reports from any governmental agency regarding actions taken on recommendations of the council.**

**(9) Apply for grants.**

**(10) Provide grants for education concerning or management of invasive species.**

**(b) The council does not have any regulatory authority over invasive species or the authority to hear appeals of grievances.**

**(c) The council may create advisory committees to provide information and recommendations to the council.**

**(d) Beginning July 1, 2011, the council shall issue a written report to the natural resources study committee (IC 2-5-5-1) in every odd-numbered year. The report must include a summary of:**

**(1) the council's activities;**

**(2) the performance of the council's duties; and**

**(3) efforts in the state to identify and manage invasive species.**

**The report may include recommendations of the council.**

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1       **Sec. 5. (a) The council consists of the following eleven (11)**  
 2 **members:**

3       **(1) The dean of agriculture of Purdue University or the dean's**  
 4 **designee, who shall act as secretary of the council.**

5       **(2) The director of the Indiana state department of**  
 6 **agriculture or the director's designee.**

7       **(3) The commissioner of the Indiana department of**  
 8 **transportation or the commissioner's designee.**

9       **(4) The state veterinarian or the state veterinarian's designee.**

10       **(5) An employee of the division of fish and wildlife who is**  
 11 **designated by the director of the division of fish and wildlife**  
 12 **to serve as the aquatic invasive species coordinator.**

13       **(6) An employee of the division of entomology and plant**  
 14 **pathology who is designated by the director of the division of**  
 15 **entomology and plant pathology to serve as the terrestrial**  
 16 **invasive species coordinator.**

17       **(7) One (1) individual representing research on invasive**  
 18 **species.**

19       **(8) Two (2) individuals who represent organizations that are**  
 20 **primarily concerned with any of the following:**

21           **(A) The hardwood tree industry.**

22           **(B) The horticulture industry.**

23           **(C) The agriculture industry.**

24           **(D) The aquaculture industry.**

25       **(9) Two (2) individuals who represent organizations or local**  
 26 **governmental agencies primarily concerned with any of the**  
 27 **following:**

28           **(A) Land trusts.**

29           **(B) Biodiversity conservation.**

30           **(C) Aquatic conservation.**

31           **(D) Local parks and recreation.**

32       **(b) The governor shall appoint the members under subsection**  
 33 **(a)(7) through (a)(9).**

34       **(c) The council shall annually elect a member to serve as**  
 35 **chairperson of the council.**

36       **Sec. 6. (a) The term of a member of the council appointed under**  
 37 **this chapter is three (3) years.**

38       **(b) The term of each member of the council continues until a**  
 39 **successor has been appointed.**

40       **(c) The appointing authority who appointed a member of the**  
 41 **council may remove the member for cause.**

42       **Sec. 7. (a) If there is a vacancy on the council, the appointing**

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1 authority who appointed the member whose position is vacant shall  
 2 appoint an individual to fill the vacancy. The appointing authority  
 3 shall appoint a member not later than sixty (60) days after the  
 4 vacancy occurs.

5 (b) The member appointed under this section shall fill the  
 6 vacancy for the remainder of the unexpired term.

7 Sec. 8. Members of the council shall serve without  
 8 compensation. Subject to the availability of money in the fund,  
 9 members who are not state or county employees are entitled to  
 10 reimbursement for traveling expenses as provided in the Purdue  
 11 University travel policies and procedures established by the  
 12 Purdue University department of transportation and approved by  
 13 the Purdue University vice president of business services.

14 Sec. 9. Six (6) members of the council constitute a quorum.

15 Sec. 10. (a) The council shall hold at least one (1) regular  
 16 meeting each year at a date, place, and time to be set by the  
 17 chairperson.

18 (b) The chairperson may call special meetings of the council.

19 Sec. 11. The Purdue University College of Agriculture shall  
 20 provide administrative assistance to the council.

21 Sec. 12. (a) The invasive species council fund is established as a  
 22 separate fund in the Purdue University treasury to carry out the  
 23 purposes of this chapter. The fund shall be administered by the  
 24 council.

25 (b) The fund consists of any of the following:

26 (1) Grants.

27 (2) Appropriations.

28 (3) Gifts and donations.

29 (c) The expenses of administering the fund shall be paid from  
 30 money in the fund.

31 (d) The Purdue University treasurer shall invest the money in  
 32 the fund not currently needed to meet the obligations of the fund  
 33 in the same manner as other public funds may be invested. Interest  
 34 that accrues from these investments must be deposited in the fund.

35 (e) Money in the fund may be used for purposes set forth in this  
 36 chapter and to meet the expenses of administering this chapter.

37 (f) Money in the fund at the end of a state fiscal year does not  
 38 revert to the state general fund.

39 Sec. 13. This chapter expires July 1, 2015.

40 SECTION 2. IC 15-16-11 IS ADDED TO THE INDIANA CODE  
 41 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2009]:

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**Chapter 11. Cooperative Weed Management Program**

**Sec. 1. As used in this chapter, "cooperative weed management area" refers to a defined geographical area:**

- (1) distinguished by a common geography, weed problem, community, climate, political boundary, or land use; and**
- (2) where individual landowners, governmental entities, and other interested groups that manage invasive plants work cooperatively across property boundaries on common invasive plant management goals.**

**Sec. 2. As used in this chapter, "cooperative weed management plan" refers to a plan created to manage invasive plants in a cooperative weed management area. The plan must:**

- (1) encourage the involvement or representation of many of the landowners and natural resource managers in the cooperative weed management area with a commitment to cooperation; and**
- (2) address the management or prevention of one (1) or more invasive plants.**

**Sec. 3. As used in this chapter, "council" refers to the invasive species council established by IC 15-16-10-3.**

**Sec. 4. As used in this chapter, "fund" refers to the cooperative weed management fund established by section 13 of this chapter.**

**Sec. 5. As used in this chapter, "project" means an undertaking that:**

- (1) satisfies the purposes of the cooperative weed management program;**
- (2) involves an approved cooperative weed management plan; and**
- (3) is eligible to receive an expenditure from the fund.**

**Sec. 6. As used in this chapter, "workgroup" refers to the project workgroup established by section 9 of this chapter.**

**Sec. 7. The council shall establish a cooperative weed management program to protect the diversity of natural areas in Indiana that:**

- (1) promotes the creation of cooperative weed management areas; and**
- (2) creates public and private partnerships that create opportunities for contiguous landowners to work together in the management of invasive plants that threaten natural lands and native biological diversity.**

**Sec. 8. (a) The council shall meet at least once per year to allow presentations of cooperative weed management plans that have**

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1 been recommended by the workgroup for the council's approval.

2 (b) The council may provide matching grants from the fund for  
3 projects approved by the council.

4 Sec. 9. (a) The project workgroup is established. The workgroup  
5 consists of five (5) members.

6 (b) Members of the workgroup, except for the chairperson of  
7 the workgroup, shall be appointed by the council. Members  
8 appointed under this subsection serve a term of three (3) years.

9 (c) The council chairperson shall appoint a council member to  
10 act as chairperson of the workgroup. The chairperson shall call  
11 meetings of the workgroup. However, the workgroup may not meet  
12 more than once per quarter.

13 Sec. 10. (a) The workgroup may convene a meeting at any  
14 location in Indiana.

15 (b) The workgroup shall evaluate and recommend cooperative  
16 weed management plans to the council.

17 (c) The workgroup shall plan and conduct meetings in a manner  
18 that promotes broad public participation and ensures that the  
19 views of the members of the public attending the meetings may be  
20 fairly presented.

21 Sec. 11. (a) Four (4) members of the workgroup constitute a  
22 quorum.

23 (b) The affirmative vote of four (4) members of the workgroup  
24 is necessary to take any action.

25 Sec. 12. The purpose of the workgroup is to do the following:

26 (1) Review cooperative weed management plans submitted by  
27 groups from cooperative weed management areas.

28 (2) Recommend cooperative weed management plans to the  
29 council for the council's approval.

30 (3) Provide technical advice and assistance to the council.

31 Sec. 13. (a) The cooperative weed management fund is  
32 established as a separate fund in the Purdue University treasury  
33 for the purpose of funding projects approved by the council as  
34 provided in this chapter. The fund shall be administered by the  
35 council.

36 (b) The expenses of administering the fund shall be paid from  
37 money in the fund.

38 (c) The Purdue University treasurer shall invest the money in  
39 the fund not currently needed to meet the obligations of the fund  
40 in the same manner as other public funds may be invested. Interest  
41 that accrues from these investments must be deposited in the fund.

42 (d) Money in the fund may be used for purposes set forth in this

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chapter and to meet the expenses of administering this chapter.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund or to any other fund.

Sec. 14. (a) Not more than ten percent (10%) of the money in the fund may be used for administration and promotion of the cooperative weed management program.

(b) The balance of money in the fund, after expenditures allowed under subsection (a), may be used for the costs of services and expenses related to implementation of approved cooperative weed management plans.

Sec. 15. Each grant provided from the fund must be matched by funds provided by the recipient. The council may not provide more than fifty percent (50%) of the funds for a project. The matching funds required from the recipient may be provided by any source, including the following:

- (1) Nonstate funds, including in kind services, materials, or equipment.
- (2) Contributions from state agencies involved in the project.
- (3) Contributions from the Indiana natural resources foundation (IC 14-12-1-4).

Sec. 16. Before October 1 of each year, the council shall prepare a report concerning the program established by this chapter for the public and the general assembly. A report prepared for the general assembly must be in an electronic format under IC 5-14-6.

SECTION 3. [EFFECTIVE JULY 1, 2009] (a) The initial terms of office of the appointed members of the invasive species council established by IC 15-16-10-5, as added by this act, are as follows:

- (1) One (1) member appointed under IC 15-16-10-5(a)(7) and one (1) member appointed under IC 15-16-10-5(a)(8), three (3) years.
- (2) One (1) member appointed under IC 15-16-10-5(a)(8) and one (1) member appointed under IC 15-16-10-5(a)(9), two (2) years.
- (3) One (1) member appointed under IC 15-16-10-5(a)(9), one (1) year.

The governor shall specify the term of each member described in subdivisions (1), (2), and (3) when making the initial appointments.

(b) The initial terms of the appointed members begin July 1, 2009.

(c) The first meeting of the council must convene not later than October 1, 2009.

(d) This SECTION expires July 1, 2012.

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